

UNITED STATES DISTRICT COURT  
DISTRICT MASSACHUSETTS

DEREK MORTLAND, ) CASE NO.: \_\_\_\_\_  
Plaintiff, )  
vs. ) JUDGE \_\_\_\_\_  
75 STATE OWNER, LLC, )  
Defendant. )  
 ) **COMPLAINT FOR INJUNCTIVE**  
 ) **RELIEF AND DAMAGES:**  
 )  
 ) **1ST CAUSE OF ACTION:** For Denial  
 ) Access by a Public Accommodation in  
 ) Violation of the Americans with Disabilities  
 ) Act of 1990 (“Title III” and “ADA”),  
 ) 42 U.S.C. §§ 12181 *et seq.*  
 )  
 ) **2ND CAUSE OF ACTION:** For Denial  
 ) Access by a Public Accommodation in  
 ) Violation of Massachusetts Statute  
 ) Chapter 272 Section 98, et seq.

Plaintiff DEREK MORTLAND Complains of Defendant 75 STATE OWNER, LLC, and  
alleges as follows:

## **INTRODUCTION:**

1. This is a civil rights action for discrimination against persons with physical disabilities, of which plaintiff is a member of, for failure to remove architectural barriers structural in nature at Defendant's property, a place of public accommodation, thereby discriminatorily denying plaintiff access to, the full and equal enjoyment of, opportunity to participate in, and benefit from, the goods, facilities, services, and accommodations thereof. Plaintiff seeks injunctive relief and damages pursuant to the Americans with Disability Act of 1990 ("title III" AND "ADA"), 42. U.S.C. §§ 12181 *et seq.*, and Massachusetts civil rights law.

2. Plaintiff DEREK MORTLAND is a person with physical disabilities who, on or about February 23, 2023, was an invitee, guest, patron, or customer at Defendant's property, which houses the 75 STATE GARAGE, located at 75 State Street, Boston, MA 02109. At said

COMPLAINT - 1

1 time and place, Defendant failed to provide proper legal access to the property, which is a public  
2 accommodation and/or public facility. The denial of access was in violation of both federal and  
3 Massachusetts legal requirements, and MORTLAND suffered violations of his civil rights to full  
4 and equal access and was embarrassed and humiliated.  
5

6 **JURISDICTION AND VENUE:**

7       3.     **Jurisdiction:** This Court has jurisdiction of this action pursuant to 28 U.S.C.  
8 §1331 for violations of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.  
9 Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same  
10 nucleus of operative facts and arising out of the same transactions, are also brought under  
11 parallel Massachusetts law, whose goals are closely tied with the ADA.  
12

13       4.     **Venue:** Venue is proper in this court pursuant to 28 U.S.C. §1331(b) and is  
14 founded on the facts that the real property which is the subject of this action is located in this  
15 district, in the City of Boston, County of Suffolk, State of Massachusetts and that plaintiff's  
16 causes of action arose in this district.  
17

18 **PARTIES:**

19       5.     Plaintiff DEREK MORTLAND is a “physically handicapped person,” a  
20 “physically disabled person,” and a “person with physical disabilities.” (Hereinafter the terms  
21 “physically disabled,” “physically handicapped” and “person with physical disabilities” are used  
22 interchangeably, as these words have similar or identical common usage and legal meaning.)  
23 MORTLAND is a “person with physical disabilities,” as defined by all applicable Massachusetts  
24 and United States laws. MORTLAND requires the use of a wheelchair to travel about in public.  
25 Consequently, MORTLAND is a member of that portion of the public whose rights are protected  
26 by federal and state accessibility law.  
27  
28

1       6. Defendant 75 STATE OWNER, LLC, a Massachusetts limited liability company, is  
2 the owner and operator, lessor and/or lessee, or agent of the owner, lessor and/or lessee, of the  
3 building and/or buildings which constitute a public facility in and of itself, occupied by the 75  
4 STATE GARAGE, a public accommodation, located at/near 75 State Street, Boston, MA 02109,  
5 and subject to the requirements of Massachusetts state law requiring full and equal access to  
6 public facilities pursuant to Massachusetts accessibility law, and subject to the Americans with  
7 Disability Act of 1990 (“TITLE III” AND “ADA”), 42. U.S.C. §§ 12181 *et seq.*, and to all other  
8 legal requirements referred to in this complaint.  
9

10      7. At all times relevant to this complaint, Defendant is the lessee, or agent of the  
11 lessee, and/or lessor, of said premises, and owns and operates the subject 75 STATE GARAGE  
12 as a public facility at/near 75 State Street, Boston, MA 02109. The business, the 75 STATE  
13 GARAGE, is open to the general public and conducts business therein. The business operating  
14 on said premises is a public accommodation subject to the requirements of federal and state  
15 accessibility law.  
16

17      8. At all times relevant to this complaint, Defendant is the landlords/lessors,  
18 tenants/lessees and the owners and operators of the subject parking deck, a public  
19 accommodation located at/near 75 State Street, Boston, MA 02109. As such, Defendant is jointly  
20 and severally responsible to identify and remove architectural barriers pursuant to Code of  
21 Federal Regulations section 36.201(b), which states in pertinent part:  
22

23                   **§ 36.201       General**

24                   (b) Landlord and tenant responsibilities. Both the landlord  
25 who owns the building that houses a place of public  
26 accommodation and the tenant who owns or operates the place of  
27 public accommodation are public accommodations subject to the  
28 requirements of this part. As between the parties, allocation of  
responsibility for complying with the obligations of this part may

1                   be determined by lease or other contract.

2                   CFR §36.201(b)

3                   9. Plaintiff does not know the true names of Defendant, its business capacities, its  
4 ownership connection to the property and business, nor their relative responsibilities in causing  
5 the access violations herein complained of. Plaintiff is informed and believes that the Defendant  
6 herein is a public accommodation, and is the agent, ostensible agent, master, servant, employer,  
7 employee, representative, franchisor, franchisee, partner, and associate, or such similar capacity,  
8 of each of the other defendants, if any, and was at all times acting and performing, or failing to  
9 act or perform, within the course and scope of his, her or its authority as agent, ostensible agent,  
10 master, servant, employer, employee, representative, franchiser, franchisee, partner, and  
11 associate, or such similar capacity, and with the authorization, consent, permission or ratification  
12 of each of the other defendants, and is responsible in some manner for the acts and omissions of  
13 the other defendants in legally causing the violations and damages complained of herein, and  
14 have approved or ratified each of the acts or omissions of each other defendant, as herein  
15 described.

16 **PRELIMINARY FACTUAL ALLEGATIONS:**

17                   10. Defendant is the entity that is a public accommodation that owns, leases (or  
18 leases to), or operates, the 75 STATE GARAGE, located at 75 State Street, Boston, MA 02109.  
19 The 75 STATE GARAGE and each of its facilities are places “of public accommodation” subject  
20 to the requirements of the Americans with Disability Act of 1990 (“TITLE III” AND “ADA”),  
21 42. U.S.C. §§ 12181 *et seq.*, and Massachusetts accessibility law. On information and belief, said  
22 facility has undergone “alterations, structural repairs and additions,” each of which has subjected  
23 the 75 STATE GARAGE to handicapped access requirements.

1       11. Plaintiff DEREK MORTLAND is a person with a disability. MORTLAND is a  
2 "physically disabled person," as defined by all applicable Massachusetts and United States laws.  
3 MORTLAND is paralyzed and requires the use of a wheelchair for mobility and to travel in  
4 public.  
5

6       12. At all times referred to herein and continuing to the present time, Defendant  
7 advertised, publicized and held out the 75 STATE GARAGE as being handicapped accessible  
8 and handicapped usable.

9       13. On or about February 23, 2023, MORTLAND was an invitee and guest at  
10 the subject 75 STATE GARAGE, arriving for purposes of obtaining parking.  
11

12       14. Upon his arrival, during his patronizing of the public accommodation, and upon his  
13 exit of the facility, MORTLAND personally encountered architectural barriers which denied him  
14 the full and equal access to the property.

15       15. Therefore, at said time and place, MORTLAND, who is a person with disabilities,  
16 encountered the following inaccessible elements of the subject 75 STATE GARAGE which  
17 constituted architectural barriers and a denial of the proper and legally required access to a public  
18 accommodation to persons with physical disabilities. *By way of example and not as an*  
19 *exhaustive inventory of Defendant's violations*, barriers to access were personally encountered by  
20 MORTLAND within the facility's (1) level 1, (2) level 2, (3) level 3, (4) level 4, (5) level 5 and  
21 (6) mid-level. Generally, the barriers encountered include, but are not limited to the following:  
22 (1) excess door opening force; (2) improper vehicle clearance; (3) the lack of accessible parking  
23 stalls, (4) the lack of van accessible parking stalls; (5) improper access aisle width; (6) improper  
24 accessible routes; (7) missing or improperly located signage; and (8) unmaintained and  
25 inaccessible accessible parking stalls.  
26  
27

1 On personal knowledge, information and belief, other public facilities and elements too  
2 numerous to list were improperly inaccessible for use by persons with physical disabilities.  
3

4 16. At all times stated herein, the existence of architectural barriers at Defendant's  
5 place of public accommodation evidenced "actual notice" of Defendant's intent not to comply  
6 with the Americans with Disability Act of 1990 ("TITLE III" AND "ADA"), 42. U.S.C. §§  
7 12181 *et seq.*, and Massachusetts accessibility law, either then, now or in the future.

8 17. As a legal result of Defendant's failure to act as a reasonable and prudent public  
9 accommodation in identifying, removing or creating architectural barriers, policies, practices and  
10 procedures that denied access to plaintiff and other persons with disabilities, plaintiff suffered  
11 damages as alleged herein.

12 18. As a further legal result of the actions and failure to act of Defendant, and as a  
13 legal result of the failure to provide proper handicapped-accessible public facilities as set forth  
14 herein, MORTLAND was denied his civil rights to full and equal access to public facilities.  
15 MORTLAND suffered a loss of his civil rights and his rights as a person with physical  
16 disabilities to full and equal access to public facilities, and further suffered from personal  
17 physical injury, shame, humiliation, embarrassment, anger, disappointment and worry,  
18 expectedly and naturally associated with a person with physical disabilities being denied access,  
19 all to his damages as prayed hereinafter in an amount within the jurisdiction of this court.

20 19. On information and belief, construction alterations carried out by Defendant has  
21 triggered access requirements under Americans with Disability Act of 1990 ("TITLE III" AND  
22 "ADA"), 42. U.S.C. §§ 12181 *et seq.*, and Massachusetts accessibility law, *et seq.*

23 20. MORTLAND, as described herein below, seeks injunctive relief to require the  
24 75 STATE GARAGE to be made accessible to meet the requirements of both Massachusetts law  
25

1 and the Americans with Disabilities Act, whichever is more restrictive, so long as Defendant  
2 operates and/or leases the 75 STATE GARAGE as a public facility. Plaintiff seeks damages for  
3 violation of his civil rights, from the date of his visit until such date as Defendant brings the  
4 establishment into full compliance with the requirements of Massachusetts and federal law.  
5

6       21. On information and belief, Defendant has been negligent in its affirmative duty  
7 to identify the architectural barriers complained of herein and negligent in the removal of some  
8 or all of said barriers.

9       22. Because of Defendant's violations, MORTLAND and other persons with physical  
10 disabilities are unable to use public facilities such as those owned and operated by Defendant on  
11 a "full and equal" basis unless such facility is in compliance with the provisions of the  
12 Americans with Disabilities Act and other accessibility law as plead herein. Plaintiff seeks an  
13 order from this court compelling Defendant to make the 75 STATE GARAGE accessible to  
14 persons with disabilities.

15       23. Plaintiff is informed and believes and therefore alleges that Defendant caused the  
16 subject property to be constructed, altered and/or maintained in such a manner that persons with  
17 physical disabilities were denied full and equal access to, within and throughout said facility of  
18 the 75 STATE GARAGE and were denied full and equal use of said public facility. Further, on  
19 information and belief, Defendant has continued to maintain and operate said facility in such  
20 conditions up to the present time, despite actual and constructive notice to such Defendant that  
21 the configuration of the establishment and/or its building(s) are in violation of the civil rights of  
22 persons with physical disabilities, such as plaintiff and the disability community. Such  
23 construction, modification, ownership, operation, maintenance and practices of such public  
24 facilities are in violation of law as stated in Americans with Disability Act of 1990 ("TITLE III")  
25

1 AND “ADA”), 42. U.S.C. §§ 12181 *et seq.* and elsewhere in the laws of Massachusetts.  
2

3       24. On information and belief, the subject public facility of 75 STATE GARAGE denied  
4 full and equal access to plaintiff and other persons with physical disabilities in other respects due  
5 to noncompliance with requirements of Massachusetts accessibility law.  
6

7       25. On personal knowledge, information and belief, the basis of Defendant’s actual  
8 and constructive notice that the physical configuration of the facilities including, but not limited  
9 to, architectural barriers constituting the 75 STATE GARAGE was in violation of the civil rights  
10 of persons with physical disabilities, such as plaintiff, includes, but is not limited to,  
11 communications with invitees and guests, owners of other establishments and businesses, notices  
12 Defendant obtained from governmental agencies upon modification, improvement, or substantial  
13 repair of the subject premises and other properties owned by the Defendant, newspaper articles  
14 and trade publications regarding the Americans with Disabilities Act and other access laws,  
15 public service announcements, and other similar information. Defendant’s failure, under state  
16 and federal law, to make the establishment accessible is further evidence of Defendant’s  
17 conscious disregard for the rights of plaintiff and other similarly situated persons with  
18 disabilities. The scope and means of the knowledge of Defendant are within Defendant’s  
19 exclusive control and cannot be ascertained except through discovery.  
20

21       26. Plaintiff will return to the subject 75 STATE GARAGE to patronize the facility, if  
22 it is made fully accessible to a disabled person in a wheelchair, and to also avail himself of the  
23 garage services.  
24

25       29. Should the 75 STATE GARAGE become accessible, MORTLAND will visit it  
26 again because he will travel through and/or to Boston and Suffolk County, Massachusetts in  
27 2023 and 2024.  
28

1       30. Furthermore, plaintiff intends to return to the 75 STATE GARAGE as an ADA  
 2 tester on an annual basis beginning in 2024, to ascertain whether Defendant removed the barriers  
 3 to access which are the subject of this litigation.  
 4

5 **I. FIRST CAUSE OF ACTION FOR DENIAL OF ACCESS BY A PUBLIC  
 6 ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH  
 7 DISABILITIES ACT OF 1990 (42 U.S.C. §12101, *et seq.*)**

8       31. Plaintiff pleads and incorporates by reference, as if fully set forth again herein,  
 9 the allegations contained in paragraphs 1 through 30 of this complaint.  
 10

11       32. Pursuant to law, in 1990, the United States Congress made findings per 42 U.S.C.  
 12 §12101 regarding persons with physical disabilities, finding that laws were needed to more fully  
 13 protect:  
 14

15       some 43 million Americans with one or more physical or mental  
 16 disabilities; [that] historically society has tended to isolate and  
 17 segregate individuals with disabilities; [that] such forms of  
 18 discrimination against individuals with disabilities continue to be a  
 19 serious and pervasive social problem; [that] the nation's proper  
 20 goals regarding individuals with disabilities are to assure equality  
 21 of opportunity, full participation, independent living and economic  
 22 self-sufficiency for such individuals; [and that] the continuing  
 23 existence of unfair and unnecessary discrimination and prejudice  
 24 denies people with disabilities the opportunity to compete on an  
 25 equal basis and to pursue those opportunities for which our free  
 26 society is justifiably famous.  
 27

28       33. Congress stated as its purpose in passing the Americans with Disabilities Act of  
 29 1990 (42 U.S.C. §12102):  
 30

31       It is the purpose of this act (1) to provide a clear and  
 32 comprehensive national mandate for the elimination of  
 33 discrimination against individuals with disabilities; (2) to provide  
 34 clear, strong, consistent, enforceable standards addressing  
 35 discrimination against individuals with disabilities; (3) to ensure  
 36 that the Federal government plays a central role in enforcing the  
 37 standards established in this act on behalf of individuals with  
 38 disabilities; and (4) to invoke the sweep of Congressional  
 39 authority, including the power to enforce the 14th Amendment and  
 40

1 to regulate commerce, in order to address the major areas of  
2 discrimination faced day to day by people with disabilities.

3 34. As part of the Americans with Disabilities Act of 1990, (hereinafter the “ADA”),  
4 Congress passed “Title III - Public Accommodations and Services Operated by Private Entities”  
5 (Section 301 42 U.S.C. §12181, *et seq.*). Among the public accommodations identified for  
6 purposes of this title was:

7 (7) PUBLIC ACCOMMODATION - The following private  
8 entities are considered public accommodations for purposes of this  
9 title, if the operations of such entities affect commerce -  
10 . . .

(E) \*\*\* or other sales or rental establishment;

11 42 U.S.C. §12181(7)(E).

12 35. Pursuant to §302, 42 U.S.C. §12182, “No individual shall be discriminated  
13 against on the basis of disability in the full and equal enjoyment of the goods, services, facilities,  
14 privileges, advantages, or accommodations of any place of public accommodation by any person  
15 who owns, leases, or leases to, or operates a place of public accommodation.”

16 36. The specific prohibitions against discrimination set forth in §302(b)(2)(a),  
17 42 U.S.C. §12182(b)(2)(a) are:

18 (i) the imposition or application of eligibility criteria  
19 that screen out or tend to screen out an individual with a disability  
20 or any class of individuals with disabilities from fully and equally  
21 enjoying any goods, services, facilities, privileges, advantages, or  
22 accommodations, unless such criteria can be shown to be  
23 necessary for the provision of the goods, services, facilities,  
24 privileges, advantages, or accommodations being offered;

25 (ii) a failure to make reasonable modifications in  
26 policies, practices, or procedures, when such modifications are  
27 necessary to afford such goods, services, facilities, privileges,  
28 advantages or accommodations to individuals with disabilities,  
unless the entity can demonstrate that making such modifications  
would fundamentally alter the nature of such goods, services,  
facilities, privileges, advantages, or accommodations;

1  
2       (iii) a failure to take such steps as may be necessary to  
3       ensure that no individual with a disability is excluded, denied  
4       services, segregated or otherwise treated differently than other  
5       individuals because of the absence of auxiliary aids and services,  
6       unless the entity can demonstrate that taking such steps would  
7       fundamentally alter the nature of the good, service, facility,  
8       privilege, advantage, or accommodation being offered or would  
9       result in an undue burden;

10  
11      (iv) a failure to remove architectural barriers, and  
12      communication barriers that are structural in nature, in existing  
13      facilities . . . where such removal is readily achievable; and

14  
15      (v) where an entity can demonstrate that the removal of  
16      a barrier under clause (iv) is not readily achievable, a failure to  
17      make such goods, services, facilities, privileges, advantages or  
18      accommodations available through alternative methods if such  
19      methods are readily achievable.

20  
21     37. The acts of Defendant set forth herein were a violation of plaintiff's rights under the  
22     ADA, 42 U.S.C. §§ 12181 *et seq.*

23  
24     38. The removal of the barriers complained of by plaintiff as hereinabove alleged  
25     was at all times after January 26, 1992 "readily achievable" as to the subject 75 STATE  
26     GARAGE pursuant to 42 U.S.C. §12182 (b)(2)(A)(i)-(iv). On information and belief, if the  
27     removal of all the barriers complained of herein together was not "readily achievable," the  
28     removal of each individual barrier complained of herein was "readily achievable." On  
information and belief, Defendant's failure to remove said barriers was likewise due to  
discriminatory practices, procedures and eligibility criteria, as defined by §302(b)(2)(a)(i)-(iii);  
42 U.S.C. §12182 (b)(2)(A)(i).

29  
30     39. Per §301(9), 42 U.S.C. §12181 (9), the term "readily achievable" means "easily  
31     accomplishable and able to be carried out without much difficulty or expense." The statute  
32     defines relative "expense" in part in relation to the total financial resources of the entities

1 involved. Plaintiff alleges that properly repairing, modifying, or altering each of the items that  
2 plaintiff complains of herein were and are “readily achievable” by the Defendant under the  
3 standards set forth under §301(9) of the Americans with Disabilities Act. Further, if it was not  
4 “readily achievable” for Defendant to remove each of such barriers, Defendant has failed to  
5 make the required services available through alternative methods which were readily achievable.  
6

7 40. On information and belief, construction work on, and modifications of, the  
8 subject 75 STATE GARAGE occurred after the compliance date for the Americans with  
9 Disabilities Act, January 26, 1992, independently triggering access requirements under Title III  
10 of the ADA.

11 41. Pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12188, *et*  
12 *seq.*, §308, plaintiff is entitled to the remedies and procedures set forth in §204(a) of the Civil  
13 Rights Act of 1964, 42 U.S.C. 2000(a)-3(a), as plaintiff is being subjected to discrimination on  
14 the basis of disability in violation of this title or has reasonable grounds for believing that he  
15 is about to be subjected to discrimination in violation of §302. Plaintiff cannot return to or make  
16 use of the public facilities complained of herein so long as the premises and Defendant’s policies  
17 bar full and equal use by persons with physical disabilities.

18 42. Per §308(a)(1) (42 U.S.C. 12188), “Nothing in this section shall require a person  
19 with a disability to engage in a futile gesture if such person has actual notice that a person or  
20 organization covered by this title does not intend to comply with its provisions.” Pursuant to this  
21 last section, plaintiff has not returned to Defendant’s premises since on or about February 23,  
22 2023, but alleges that Defendant has continued to violate the law and deny the rights of plaintiff  
23 and of other persons with physical disabilities to access this public accommodation. Pursuant to  
24 §308(a)(2), “In cases of violations of §302(b)(2)(A)(iv) . . . injunctive relief shall include an  
25  
26  
27  
28

order to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities to the extent required by this title.”

43. Plaintiff seeks relief pursuant to remedies set forth in §204(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000(a)-3(a)), and pursuant to federal regulations adopted to implement the Americans with Disabilities Act of 1990, including but not limited to an order granting injunctive relief and attorneys' fees. Plaintiff will seek attorneys' fees conditioned upon being deemed to be the prevailing party.

Wherefore, plaintiff prays for relief and damages as hereinafter stated.

**II. SECOND CAUSE OF ACTION FOR DENIAL OF FULL AND EQUAL ACCESS  
IN VIOLATION OF THE MASSACHUSETTS EQUAL RIGHTS LAW, M.G.L., C.  
93, §103, ET SEQ.**

44. Mr. Mortland repleads and incorporates by reference as if fully set forth again herein, the allegations contained in paragraphs 1 through 43 of this complaint.

45. At all times relevant to this action, the 75 STATE GARAGE and the business therein, are “places of public accommodation” as defined pursuant to M.G.L. c. 272 § 92A, *et seq.*

46. Defendant committed an unlawful act pursuant to M.G.L. c. 93 § 103, *et seq.*, by denying Mr. Mortland his full and equal enjoyment of its goods, services, accommodations, advantages, facilities, or privileges at its place of public accommodation because of a disability, as prohibited by M.G.L. c. 93 § 103, *et seq.*

47. Mr. Mortland has desired and attempted to enjoy the goods and services at the  
75 STATE GARAGE as a customer. He has been prevented from doing so do to the existing  
architectural barriers at the property. As a result, he has been distressed and inconvenienced  
thereby, and is entitled to compensatory and exemplary damages for his injuries, as provided for  
in M.G.L. c. 93 § 103, *et seq.*

1       48. As a result of being denied full access to the property, Mr. Mortland has suffered,  
2 and will continue to suffer, personal physical injury, emotional distress, humiliation, anxiety,  
3 anger, a loss of enjoyment of life, and other consequential and incidental damages.  
4

5       49. Pursuant to Massachusetts law, Mr. Mortland is entitled to compensatory and  
6 exemplary damages, and attorney fees and costs, in an amount to be determined at trial, but in  
7 any event not less than \$50,000.00, as well as issuance of an injunction requiring Defendant to  
8 allow full and equal enjoyment of its goods, services, facilities, privileges, and advantages to  
9 disabled persons.

10                 Wherefore, plaintiff prays for relief and damages as hereinafter stated.  
11

12 **PRAYER:**

13                 Wherefore, Plaintiff DEREK MORTLAND prays that this court grant relief and damages  
14 as follows:

15 **I. PRAYER FOR FIRST CAUSE OF ACTION FOR DENIAL OF ACCESS BY A  
16 PUBLIC ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH  
17 DISABILITIES ACT OF 1990 (42 U.S.C. §1 2101, *et seq.*)**

18       1.       For injunctive relief, compelling Defendant to make its 75 STATE GARAGE,  
19 readily accessible to and usable by individuals with disabilities; and to make reasonable  
20 modifications in policies, practice, eligibility criteria and procedures so as to afford full access to  
21 the goods, services, facilities, privileges, advantages and accommodations being offered.  
22

23       2.       For attorneys' fees, litigation expenses and costs of suit, if plaintiff is deemed  
24 the prevailing party; and

25       3.       For such other and further relief as the court may deem proper.

26 **II. PRAYER FOR SECOND CAUSE OF ACTION FOR DENIAL OF FULL AND  
27 EQUAL ACCESS IN VIOLATION OF THE MASSACHUSETTS EQUAL  
28 RIGHTS LAW, M.G.L. c. 93 § 103, ET SEQ.**

4. For injunctive relief, compelling Defendant to make the 75 STATE GARAGE readily accessible to and usable by individuals with disabilities, per state law.

5. General and compensatory damages according to proof;

6. All damages for each day, from the inception of the filing of this complaint, on which Defendant have failed to remove barriers which denied plaintiff and other persons with disabilities full and equal access.

7. Attorneys' fees pursuant to Massachusetts law, if plaintiff is deemed the prevailing party;

8. For all costs of suit;

9. Prejudgment interest pursuant to Massachusetts law; and

10. Such other and further relief as the court may deem just and proper.

Respectfully submitted,

BLAKEMORE, MEEKER & BOWLER CO., L.P.A.

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